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ONE HUNDRED NINTH CONGRESS

# Congress of the United States

## House of Representatives

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December 2, 2005

The Honorable Tom Davis  
Chairman  
Committee on Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

We recently wrote you to request hearings into allegations that political appointees at the Department of Justice (DOJ) overruled decisions by DOJ experts and approved a discriminatory voter-identification law in Georgia.<sup>1</sup> We have not heard any response. We are writing again to renew our request and to urge you to expand the investigation to cover today's reports of similar, "highly unusual" events surrounding the DOJ approval of redistricting in Texas,<sup>2</sup> as well as other allegations of failures to enforce civil rights laws.

Under the Voting Rights Act of 1965, Texas is required to submit changes in their electoral maps for approval by the DOJ. The state did so as redistricting was considered in 2003. Newly released documents obtained by the *Washington Post* show that on December 12, 2003, a panel of six lawyers and two analysts in the Department's Voting Section concluded that the plan "will lead to an impermissible retrogression in the position of minorities with respect to their effective exercise of the electoral franchise,"<sup>3</sup> and that "[t]he State of Texas has not met its burden in showing that the proposed congressional redistricting plan does not have a discriminatory effect."<sup>4</sup> Despite this unanimous finding, the panel was overruled by political appointees at the DOJ, who approved the plan one week later.

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<sup>1</sup> Letter from Reps. Waxman, Clay, Higgins, Lantos, Cummings, Maloney, Kucinich, Lee, Sanchez, and Norton to the Honorable Tom Davis (Nov. 18, 2005)

<sup>2</sup> *Justice Staff Saw Texas Redistricting As Illegal*, Washington Post (Dec. 2, 2005).

<sup>3</sup> Department of Justice, *Section 5 Recommendation Memorandum* at 31 (Dec. 12, 2003).

<sup>4</sup> *Id.* at 66.


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The reports of political interference in the Civil Rights Division are extraordinarily serious. The right to vote is fundamental to our democracy, yet two reports in recent weeks indicate that political considerations may be overriding the obligation of the Justice Department to protect the voting rights of all Americans. As the primary oversight Committee in the House, we have an obligation to investigate these allegations. We are therefore writing to request that:

- (1) The Committee request all documents relating to the Texas redistricting and Georgia voter-identification law decisions made by the DOJ.
- (2) The Committee hold hearings to determine the impact of political appointees on election-related policy decisions made at the Department of Justice.

We look forward to your response to this letter and our earlier November 18 letter.

Sincerely,

  
Henry A. Waxman  
Ranking Minority Member

  
Wm. Lacy Clay  
Ranking Minority Member  
Subcommittee on Federalism and  
The Census